APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,165	09/13/1999	WILLIAM J. SEQUEIRA	3063/40	3848

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EXAMINER
QUELER, ADAM M

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 March 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-11 and 13-34*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-11 and 13-34*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed 03/09/2006 and Remarks

filed 11/17/2005.

2.   Claims 1-11 and 13-34 are pending in the case. Claims 1, 17, 20-22, and 29 are

independent claims.

Specification

3.   The applicant is required to update the serial numbers and status of ALL related

applications as exemplified on page 1, lines 10-16 of the specification.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-11, and 13-34 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Qureshi et al. (USPN 6396500 filed 3/18/1999), and further in view of

Allport (USPN 6097441—filed December 31, 1997).

Regarding independent claim(s) 1, 17, 20, 34, Qureshi teaches storing a plurality of templates

(col. 10, ll. 1-7). Qureshi teaches the templates are HTML that identify locations at which

content is available (Fig. 5, 368). Qureshi teaches transformation techniques (Fig. 4, 366), as the

images will be transformed to the size indicated in the IMG tag. Qureshi teaches capturing,

transforming and inserting the content into the pages (col. 6, ll. 2-33). Qureshi teaches the pages

make up a set of content pages (col. 11, ll. 1-3). Qureshi teaches distributing the content pages to

others, through a conventional network (col. 8, ll. 44-49). Qureshi does not teach broadcasting.

Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). It

would have been obvious to one of ordinary skill in the art at the time of the invention to

combine Allport with Qureshi. This combination would have replaced the conventional

transmission with the broadcasting of Allport. This would have been obvious to one of ordinary

skill in the art at the time of the invention because Allport teaches TV viewing was a desirable

improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-

58).

Regarding independent claim(s) 21, 29, Qureshi teaches storing a plurality of templates (col.

10, ll. 1-7). Qureshi teaches the templates are HTML that identify locations at which content is

available (Fig. 5, 368). Qureshi teaches transformation techniques (Fig. 4, 366), as the images

will be transformed to the size indicated in the IMG tag. Qureshi teaches capturing,

transforming and inserting the content into the pages (col. 6, ll. 2-33). Qureshi teaches the pages

make up a set of content pages (col. 11, ll. 1-3). Qureshi discloses an album data structure (Fig.

2, 118) identifying the templates and containing sequence data (col. 10, ll. 45-48). Qureshi

teaches distributing the content pages to others, through a conventional network (col. 8, ll. 44-

49). Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable

for television display (col. 13, ll. 61-66). It would have been obvious to one of ordinary skill in

the art at the time of the invention to combine Allport with Qureshi. This combination would

have replaced the conventional transmission with the broadcasting of Allport. This would have

been obvious to one of ordinary skill in the art at the time of the invention because Allport

teaches TV viewing was a desirable improvement on convention network, as it was more

convenient for users (Allport, col. 1, ll. 54-58).

Regarding independent claim(s) 22, Qureshi teaches storing a plurality of templates (col. 10, ll.

1-7).   Qureshi teaches the templates are HTML that identify locations at which content is

available (Fig. 5, 368). Qureshi teaches transformation techniques (Fig. 4, 366), as the images

will be transformed to the size indicated in the IMG tag. Qureshi teaches the pages make up a set

of content pages (col. 11, ll. 1-3). Qureshi discloses an album data structure (Fig. 2, 118)

identifying the templates and containing sequence data (col. 10, ll. 45-48). Qureshi teaches

distributing the content pages to others, through a conventional network (col. 8, ll. 44-49).

Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for

television display (col. 13, ll. 61-66). It would have been obvious to one of ordinary skill in the

art at the time of the invention to combine Allport with Qureshi. This combination would have

replaced the conventional transmission with the broadcasting of Allport. This would have been

obvious to one of ordinary skill in the art at the time of the invention because Allport teaches TV

viewing was a desirable improvement on convention network, as it was more convenient for

users (Allport, col. 1, ll. 54-58).

Regarding dependent claim(s) 26, Qureshi teaches capturing, transforming and inserting the

content into the pages (col. 6, ll. 2-33).

Regarding dependent claim(s) 2, Qureshi discloses a plurality of slots (col. 6, ll. 2-40).

Regarding dependent claim(s) 3, Qureshi discloses resizing the content to fit into a slot (col. 6,

ll. 2-40).

Regarding dependent claim(s) 4, Qureshi discloses resizing based on the coordinates and size of the slots (col. 6, ll. 37-40).

Regarding dependent claim(s) 5 and 19, Qureshi discloses an album data structure (Fig. 2, 118) identifying the templates and containing sequence data (col. 10, ll. 45-48).

Regarding dependent claim(s) 6, Qureshi discloses presenting in a sequence (col. 10, ll. 45-48). Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Allport with Qureshi. This combination would have replaced the conventional transmission with the broadcasting of Allport. This would have been obvious to one of ordinary skill in the art at the time of the invention because Allport teaches TV viewing was a desirable improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-58).

Regarding dependent claim(s) 7, 24, 31, Qureshi does not explicitly disclose a cyclical broadcast, however Applicant admits (by non-traversal of Official Notice) that it was well known and desired in the art at the time of the invention for playback systems to have a loop option that would provide cyclical playback, and therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature for it's known desirability.

Regarding dependent claim(s) 8, 25, 32, Qureshi does not explicitly disclose a random broadcast, however Applicant admits (by non-traversal of Official Notice) that it was well known and desired in the art at the time of the invention for playback systems to have a random option, and therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature for it's known desirability. .

Regarding dependent claim(s) 9, Qureshi discloses presenting in a sequence (col. 10, ll. 45-48).

Regarding dependent claim(s) 10, 23, Qureshi discloses duration data (col. 10, ll. 45-48).

Regarding dependent claim(s) 11, Qureshi discloses playing the presentation. In order to do this, inherently the content must be stored.

Regarding dependent claim(s) 13 and 18, Qureshi teaches distributing the content pages to others, through a conventional network (col. 8, ll. 44-49). Qureshi does not teach broadcasting. Allport discloses encoding the content to be suitable for television display (col. 13, ll. 61-66). Allport discloses broadcasting pages over a television channel (col. 4, ll. 34-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Allport with Qureshi. This combination would have replaced the conventional transmission with the broadcasting of Allport. This would have been obvious to one of ordinary skill in the art at the time of the invention because Allport teaches TV viewing was a desirable improvement on convention network, as it was more convenient for users (Allport, col. 1, ll. 54-58).

Regarding dependent claim(s) 14, Qureshi discloses locations that are Internet sites (Fig. 4, 386).

Regarding dependent claim(s) 15, Qureshi teaches the content is on local storage (col. 8, ll. 49-50).

Regarding dependent claim(s) 16, Qureshi discloses locations that are remote sites (Fig. 4, 386).

Regarding dependent claim(s) 27, Qureshi discloses a transmission system (col. 9, ll. 38-50).

Regarding dependent claim(s) 28, 33, Qureshi discloses the Internet (col. 9, ll. 38-50).

Regarding dependent claim(s) 30, Qureshi teaches the pages are distributed upon request (col. 2, ll. 29-31).

Response to Arguments

6.   Applicant's arguments filed 11/17/2005 have been fully considered but they are not persuasive.

Regarding Applicant's remarks on the rejections in view of Qureshi (Independent claims 1, 17, 20, 21, 22, 29, 34):

Applicant alleges that Qureshi does store templates identifying locations where content is available and transformation techniques, but rather just generates HTML pages. Assuming *arguendo* that Applicant's description of Qureshi is correct, Applicant fails to point why the Office's analysis in the rejection is incorrect. It appears that Applicant is alleging that the lack of the word "template" causes Qureshi to fail to teach the templates, however as explained in the rejection, the Office considers the HTML documents themselves to be templates, which is considered to be a reasonable interpretation for one of ordinary skill in the art at the time of the invention given the specification.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Adam M. Queler whose telephone number is (571) 272-4140.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Steven Hong can be reached on (571) 272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AQ

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

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